

WILLIAM K. HARRINGTON
United States Trustee for Region 2
U.S. Department of Justice
Office of the United States Trustee
201 Varick Street, Room 1006
New York, NY 10014
Tel. (212) 510-0500
By: Andrea B. Schwartz
Trial Attorney

Hearing Date and Time:
January 7, 2020, at 10:00 a.m.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re :
Desmond Ellis, : Case No. 19-12964 (MKV)
: Chapter 7
Debtor. :
-----X

**NOTICE OF MOTION AND MOTION FOR
(1) DISMISSAL OF CHAPTER 7 CASE, OR (2) DIRECTING
DEBTOR TO APPEAR AT MEETING OF CREDITORS AND
EXTENDING TIME TO OBJECT TO DEBTOR'S DISCHARGE
AND DISCHARGEABILITY OF DEBTS**

NOTICE IS HEREBY GIVEN that the Court has scheduled a hearing to consider the motion of William K. Harrington, the United States Trustee, pursuant to Section 707(a) of the Bankruptcy Code, for: (1) dismissal of this Chapter 7 bankruptcy case or (2) directing the Debtor to appear at a meeting of creditors convened pursuant to Section 341(a) of the Bankruptcy Code and, pursuant to Rules 1017 and 4004(b) of the Federal Rules of Bankruptcy Procedure, extending the time to object to the Debtor's discharge and the dischargeability of the Debtor's debts. The hearing will be conducted by the Honorable James L. Garrity, U.S. Bankruptcy Judge, on January 7, 2020, at 10:00 a.m., at the United States Bankruptcy Court, One Bowling Green, New York, NY 10004.

PLEASE TAKE FURTHER NOTICE that responsive papers, with proof of service, shall be filed with the Clerk of the Court, with copies delivered directly to Judge Garrity's chambers, and served on the U.S. Trustee at U.S. Department of Justice, Office of the U.S. Trustee, 201 Varick Street, Room 1006, New York, NY 10014 (Attn.: Andrea B. Schwartz,

Esq.), so as to be received at least seven days before the hearing. If the Debtor does not appear at the hearing on this motion, the motion may be granted on default.

Dated: New York, New York
December 5, 2019

WILLIAM K. HARRINGTON
UNITED STATES TRUSTEE

By /s/ Andrea B. Schwartz
Andrea B. Schwartz
Trial Attorney

Upon the affirmation of Salvatore LaMonica, the Chapter 7 Trustee, on file with the Court, the U.S. Trustee hereby moves, pursuant to Section 707(a) of the Bankruptcy Code, for an order dismissing the captioned case due to the unexcused failure of the Debtor to appear on October 23, 2019 of creditors mandated by Section 341(a) of the Bankruptcy Code; or directing the Debtor to appear on _____, 2020, at 10:00 a.m., for the required Section 341(a) meeting of creditors, and extending the time for the Chapter 7 Trustee and the U.S. Trustee to object to the Debtor's discharge and dischargeability of particular debts until 60 days following the above-referenced date for the Section 341(a) meeting.

Dated: New York, New York
December 5, 2019

WILLIAM K. HARRINGTON
UNITED STATES TRUSTEE

By /s/ Andrea B. Schwartz
Andrea B. Schwartz
Trial Attorney